

Serial No. 10/728,940

Docket No. 2204-001

REMARKS

Examiner has rejected claims 1-36 under 35 USC 103(a) as being unpatentable over Pillon (Pillon - 4,013,192) in view of Pearson et al. (Pearson et al. - 6,561,377; herein referred to as Pearson)

Respectfully, Applicant wishes to traverse Examiners rejection of claims 1-36 as being taught by the combination of Pillon and Pearson.

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching, suggestion or incentive supporting the combination.

Pillon contemplates only rotating the bowl in a clockwise direction and does not teach, suggest or otherwise contemplate the need for altering the angular velocity of the bowl. Further, Pillon is silent with regards to the need for a change in speed of rotation of the bowl. Pillon does not provide a controller or other mechanism for altering a speed or direction of rotation. Rotation is started by the user and is stopped preferably by the sensor mechanism which senses the proper number of pills having passed thereby. Thus, one would not be motivated to look to Pearson et al. to provide means for altering a speed or direction of rotation of any portion of the pill counter.

In regard to Pearson, Applicant wishes to point out to the Examiner that the speed of rotation of the vacuum drum in Pearson is determined by input from the user and the speed is not varied during the counting of a pill of a pre-determined size except as taught at Col 9, lines 12-14, wherein the only time the bowl speed is altered is to move the drum to the next aperture if a pill is not detected. The alteration in speed does not assist in distributing pills along a ledge, but merely more quickly presents an unloaded aperture to the pills at the pill feeder.

Further, with the exception of limited rotation of the drum in a reverse direction AFTER the appropriate number of pills have been counted and only as a mechanism to prevent additional pills from being near the separator when the blower is turned off, the direction of rotation of the vacuum drum is in ONE direction only during the counting of the pills, thus Applicant believes that Pearson would not add the element of changing the angular velocity of bowl, as Pearson does not teach changing the angular velocity of the vacuum drum as described in the instant application DURING counting of the pills.

Applicant believes that there is a lack of technological motivation to combine the teachings of Pearson et al. with that of Pillon. As stated above, changes in speed of rotation of the vacuum drum in Pearson, as quoted at Col 9, lines 12-14 are merely to more rapidly and efficiently present open apertures under the affect of vacuum to pick up a pill. Pillon does not have apertures nor does it utilize vacuum to discretely pick up pills and therefore there is no technological

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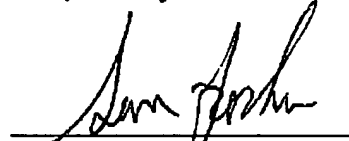
motivation to speed up the rotation of the bowl in Pillon which attempts to distribute pills along a ledge utilizing an entirely different process.

Reconsideration and allowance of the claims currently on file is respectfully requested.

Date:

July 18/05

Respectfully submitted,



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